UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/602,343	KASHIWA, KOTARO
	Examiner	Art Unit	
	HEATHER R. JONES	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 July 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-7,15-45,58-72,74,75,77 and 78</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-7,15-45,58-72,74,75,77 and 78</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>23 June 2003 and 25 June 2007</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed July 2, 2009 have been fully considered but they are

not persuasive.

        The Applicant argues that Miyazaki et al. fails to disclose automatically

terminating recording video image data for a particular one of the plurality of

takes after a time period based on the timeline set in the template for the scene.

The Examiner respectfully disagrees. Miyazaki et al. discloses in Fig. 17 the

subroutine of their image capturing process that involves continuous capturing.

As can be seen in Fig. 17 the images start being captured in step 210 and

continues through to step 214 where it is determined whether or not the preset

time has elapsed. If it has not then the camera continues capturing images. If

the preset time has elapsed then the camera stops capturing images and it is

determined whether or not the operator got the desired amount of images they

wanted. If not, then the routine starts all over and if they had then the process

goes back out to the main routine where further editing is done to the images

(col. 14, line 51 - col. 15, line 7). However, the main idea that Miyazaki et al. is

being referenced for is the idea of automatically terminating the image capturing

process once the preset time has been terminated. Furthermore, when Miyazaki

et al. is combined with Seki et al. in view of Foreman et al. in view of Shore et al.

the preset value can come from the timeline determined from the plurality of

templates. Therefore, Miyazaki et al. meets the claimed limitation and the

rejection is maintained.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-7, 15-45, 58-72, 74, 75, 77, and 78 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Seki et al. (U.S. Patent 7,154,534) in view of Foreman et al.

(U.S. Patent Application Publication 2001/0040592) in view of Shore et al. (U.S. Patent

6,353,461) in view of Miyazaki et al. (U.S. Patent 6,546,187).

Regarding claim **1**, Seki et al. discloses a content project creating method

comprising the steps of: selecting a template from a plurality of templates, each

template containing a setting of a scene arrangement of a plurality of scenes of

content (Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32); producing

scene setting data for a scene included in the template selected in the selecting

step by setting details of the scene using existing material data or newly created

data (col. 30, lines 29-40); and outputting content project data constructed by

managing the edited scene setting data on the basis of the scene arrangement

set in the template (col. 30, line 65 – col. 31, line 5). However, Seki et al. fails to

disclose enabling the editing of the selected template to alter the number of

scenes in the template; providing for recording video image data for each of a

plurality of takes of a particular scene; automatically terminating recording video

image data for a particular one of the plurality of takes after a time period based

on the timeline set in the template for the scene; displaying for selection the

plurality of takes of the particular scene; selecting one of the displayed plurality of

takes for the particular scene; and subsequently editing the scene setting data;

wherein the template is a scene arrangement sequence for the plurality of

scenes set in advance for a story structure of the video content and prior to

editing, and wherein the template includes a timeline set prior to editing for each

scene and audio setting based on the timeline.

Referring to the Foreman et al. reference, Foreman et al. discloses a

content project creating method comprising providing templates; enabling the

editing of the selected template to alter the number of scenes in the template

(Fig. 5; paragraphs [0044]-[0046] – adding and deleting scenes from the

storyboard (template)); and subsequently editing the scene setting data; wherein

the template is a scene arrangement sequence for the plurality of scenes set in

advance for a story structure of the video content and prior to editing, and

wherein the template includes a timeline set prior to editing for each scene and

audio setting based on the timeline (Fig. 5; paragraph [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to have provided templates depicting scene

arrangement sequences for the plurality of scenes set in advance for a story

structure of the video content as disclosed by Foreman et al. with the templates disclosed by Seki et al. in order create personalized video presentations that tell a story and to allow the user filming the story to have a clear idea of what to shoot, how to shoot, and for how long. However, Seki et al. in view of Foreman et al. still fail to explicitly disclose providing for recording video image data for each of a plurality of takes of a particular scene; automatically terminating recording video image data for a particular one of the plurality of takes after a time period based on the timeline set in the template for the scene; displaying for selection the plurality of takes of the particular scene; and selecting one of the displayed plurality of takes for the particular scene.

Referring to the Shore et al. reference, Shore et al. discloses a content recording project creating method comprising providing for recording video image data for each of a plurality of takes of a particular scene; displaying for selection the plurality of takes of the particular scene; and selecting one of the displayed plurality of takes for the particular scene (Fig. 3;–col. 1, lines 42-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided several takes for a particular scene and allowing the user to select the most appropriate one as disclosed by Shore et al. in the method disclosed by Seki in view of Foreman et al. in order to allow the user to obtain the feel, look, emotion, timing, attitude, or other characteristic they are going for in that particular scene. However, Seki et al. in view of Foreman et al. in view of Shore et al. still fail to disclose that the method

automatically terminates recording video image data for a particular one of the

plurality of video takes after a time period based on the timeline set in the

template for the scene.

Referring to the Miyazaki et al. reference, Miyazaki et al. discloses

automatically terminates recording video image data for a particular scene based

on the preset time (Fig. 17).

Therefore, it would have been obvious to one of ordinary skill in the art the

time the invention was made to have preset a time limit on the recording of the

video images as disclose by Miyazaki et al. in the method disclosed by Seki et al.

in view of Foreman in order to correspond the recording of the scenes to the time

allotted on the storyboard for that particular scene, thereby alleviating the extra

editing required to scale back an excess amount of time of the recording.

Regarding claim **2**, Seki et al. in view of Foreman et al. in view of Shore et

al. in view of Miyazaki et al. discloses all the limitations as previously discussed

with respect to claim 1, as well as the method further comprising the step of

setting details of audio in accordance with the scene arrangement set in the

template or in association with each of the scenes (Foreman et al.: Figs. 5 and

12; paragraphs [0040] and [0066]).

Regarding claim **3**, Seki et al. in view of Foreman et al. in view of Shore et

al. in view of Miyazaki et al. discloses all the limitations as previously discussed

with respect to claim 1 as well as the method further comprising the step of

setting details of image processing in accordance with the scene arrangement

set in the template or in association with each of the scenes (Seki et al.: Figs. 37
and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **4**, Seki et al. in view of Foreman et al. in view of Shore et
al. in view of Miyazaki et al. discloses all the limitations as previously discussed
with respect to claim 1, including the step of changing the scene arrangement set
in the template (Foreman et al.: Figs. 5 and 9; paragraphs [0040] , [0057], and
[0058]).

Regarding claim **5**, Seki et al. in view of Foreman et al. in view of Shore et
al. in view of Miyazaki et al. discloses all the limitations as previously discussed
with respect to claim 1 including that in the content project data outputting step,
the content project data is read (Seki et al.: col. 30, line 65 – col. 31, line 5).

Regarding claim **6**, Seki et al. in view of Foreman et al. in view of Shore et
al. in view of Miyazaki et al. discloses all the limitations as previously discussed
with respect to claim 1, including that in the content project data is recorded on a
recording medium (Fig. 2; paragraph [0036]).

Regarding claim **7**, Seki et al. in view of Foreman et al. in view of Shore et
al. in view of Miyazaki et al. discloses all the limitations as previously discussed
with respect to claim 1 including that the content project data outputting step, the
content project data is transmitted (Seki et al: col. 30, lines 65-67).

Regarding claims **15-21**, these are program recording medium claims
corresponding to the method claims 1-7. Therefore claims 15-21 are analyzed

and rejected as previously discussed with respect to claims 1-7. Furthermore, the computer disclosed by Seki et al. has a CPU that would store the program.

Regarding claim **22**, Seki et al. discloses an imaging apparatus comprising: imaging means (102) for capturing an image and generating a video image signal; processing means (115) for processing the video image signal; obtaining means (109) for obtaining content project data in form of a template selected from a plurality of templates, each template including scene setting data for each scene included in a scene arrangement of a plurality of scenes of content; display control means for displaying details of the content project data on a display device (104); and imaging control means (112) for controlling selection of a scene of the content project data, the capturing of the image by the imaging means, and the processing of the video image signal by the processing means (col. 11, line 45 – col. 13, line 61). However, Seki et al. fails to disclose template editing means for editing of the selected template to alter the number of scenes in the template; recording means for recording video image data for each of a plurality of takes of a particular scene; displaying means for displaying the plurality of takes of the particular scene; selecting means for selecting one of the displayed plurality of takes for the particular scene; and subsequently editing the scene setting data; wherein the template is a scene arrangement sequence for the plurality of scenes set in advance for a story structure of the video content and prior to editing, and wherein the template includes a timeline set prior to editing for each scene and audio setting based on the timeline; and wherein the

imaging means controls the imaging means to automatically terminate capturing

the image for a particular one of the plurality of takes after a time period based

on the timeline set in the template for the scene.

Referring to the Foreman et al. reference, Foreman et al. discloses a

content project creating method comprising providing templates; template editing

means for editing of the selected template to alter the number of scenes in the

template (Fig. 5; paragraphs [0044]-[0046] – adding and deleting scenes from the

storyboard (template)); and subsequently editing the scene setting data; wherein

the template is a scene arrangement sequence for the plurality of scenes set in

advance for a story structure of the video content and prior to editing, and

wherein the template includes a timeline set prior to editing for each scene and

audio setting based on the timeline (Fig. 5; paragraph [0040]).

Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to have provided templates depicting scene

arrangement sequences for the plurality of scenes set in advance for a story

structure of the video content as disclosed by Foreman et al. with the templates

disclosed by Seki et al. in order create personalized video presentations that tell

a story and to allow the user filming the story to have a clear idea of what to

shoot, how to shoot, and for how long. However, Seki et al. in view of Foreman

et al. still fail to disclose recording means for recording video image data for each

of a plurality of takes of a particular scene; displaying means for displaying the

plurality of takes of the particular scene; and selecting means for selecting one of

the displayed plurality of takes for the particular scene; and wherein the imaging means controls the imaging means to automatically terminate capturing the image for a particular one of the plurality of takes after a time period based on the timeline set in the template for the scene.

Referring to the Shore et al. reference, Shore et al. discloses a content recording project creating method comprising recording means for recording video image data for each of a plurality of takes of a particular scene; displaying means for displaying the plurality of takes of the particular scene; and selecting means for selecting one of the displayed plurality of takes for the particular scene (Fig. 3;–col. 1, lines 42-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided several takes for a particular scene and allowing the user to select the most appropriate one as disclosed by Shore et al. in the method disclosed by Seki in view of Foreman et al. in order to allow the user to obtain the feel, look, emotion, timing, attitude, or other characteristic they are going for in that particular scene. However, Seki et al. in view of Foreman et al. in view of Shore et al. still fail to disclose that the imaging means controls the imaging means to automatically terminate capturing the image for a particular one of the plurality of takes after a time period based on the timeline set in the template for the scene.

Referring to the Miyazaki et al. reference, Miyazaki et al. discloses automatically terminates recording video image data for a particular scene based on the preset time (Fig. 17).

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to have preset a time limit on the recording of the video images as disclose by Miyazaki et al. in the method disclosed by Seki et al. in view of Foreman in order to correspond the recording of the scenes to the time allotted on the storyboard for that particular scene, thereby alleviating the extra editing required to scale back an excess amount of time of the recording.

Regarding claim **23**, Seki et al. in view of Foreman et al. in view of Shore et al. in view of Miyazaki et al. discloses all the limitations as previously discussed with respect to claim 22 including that the processing means records the video image signal on a recording medium, and the imaging apparatus further comprises: management information updating means for updating management information for the content project data so that the video image signal captured by the imaging means and recorded on the recording medium by the processing means while the scene of the content project data is selected is allocated to the scene arrangement of the content project data (Seki et al.: Fig. 35).

Regarding claim **24**, Seki et al. in view of Foreman et al. in view of Shore et al. in view of Miyazaki et al. discloses all the limitations as previously discussed with respect to claim 22 as well as the apparatus further comprising

communication means for communicating with an outside, wherein the processing means transmits the video image signal from the communication means, and wherein the imaging control means transmits, upon transmission, from the communication means, of the video image signal captured by the imaging means while the scene of the content project data is selected, information on the selected scene (Seki et al.: col. 12, lines 53-55).

Regarding claim **25**, Seki et al. in view of Foreman et al. in view of Shore et al. in view of Miyazaki et al. discloses all the limitations as previously discussed with respect to claims 22 and 23, including that the obtaining means obtains the content project data recorded on the recording medium placed on the processing means (Foreman et al.: Fig. 2; paragraph [0036]).

Regarding claim **26**, Seki et al. in view of Foreman et al. in view of Shore et al. in view of Miyazaki et al. discloses all the limitations as previously discussed with respect to claim 22 including that the obtaining means obtains the content project data recorded on a recording medium differing from the recording medium placed on the processing means (Seki et al.: col. 12, lines 51-60).

Regarding claim **27**, Seki et al. in view of Foreman et al. in view of Shore et al. in view of Miyazaki et al. discloses all the limitations as previously discussed with respect to claim 22 as well as the apparatus further comprising communication means for communicating with an outside, wherein the obtaining means obtains the content project data received by the communication means (Seki et al.: col. 12, lines 53-55).

Regarding claim **28**, Seki et al. in view of Foreman et al. in view of Shore et al. in view of Miyazaki et al. discloses all the limitations as previously discussed with respect to claim 22 including that the display control means displays the scene setting data associated with the selected scene on the display device, the displayed scene setting data serving as the details of the content project data (Seki et al.: Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **29**, Seki et al. in view of Foreman et al. in view of Shore et al. in view of Miyazaki et al. discloses all the limitations as previously discussed with respect to claim 22 including that upon capturing the image by the imaging means while the scene of the content project data is selected, the display control means displays, on the display device, the scene setting data associated with the selected scene and the video image signal generated by the imaging means (Seki et al.: Fig. 29).

Regarding claim **30**, Seki et al. in view of Foreman et al. in view of Shore et al. in view of Miyazaki et al. discloses all the limitations as previously discussed with respect to claims 22 and 23 including that the display control means displays, on the display device, a video image that includes the video image signal allocated by the management information updating means to the scene arrangement of the content project data and that is based on the content project data (Seki et al.: Fig. 29).

Regarding claim **31**, Seki et al. in view of Foreman et al. in view of Shore et al. in view of Miyazaki et al. discloses all the limitations as previously discussed with respect to claims 22 and 23 including that the imaging control means sets the execution time for the imaging means to capture the image and for the processing means to record the video image signal on the recording medium while the scene of the content project data is selected on the basis of scene time information included in the content project data (Seki et al.: Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **32**, Seki et al. in view of Foreman et al. in view of Shore et al. in view of Miyazaki et al. discloses all the limitations as previously discussed with respect to claims 22 and 24 including that the imaging control means sets the execution time for the imaging means to capture the image and for the processing means to record the video image signal on the recording medium while the scene of the content project data is selected on the basis of scene time information included in the content project data (Seki et al.: Figs. 37 and 89; col. 29, lines 40-51; col. 31, lines 17-32).

Regarding claim **33**, Seki et al. in view of Foreman et al. in view of Shore et al. in view of Miyazaki et al. discloses all the limitations as previously discussed with respect to claims 22 and 23 as well as the apparatus further comprising editing means for editing the video image signal captured by the imaging means and recorded on the recording medium by the processing means

while the scene of the content project data is selected (Seki et al.: col. 30, lines 49-57).

Regarding claims **34-45**, these are method claims corresponding to the apparatus claims 22-33. Therefore, claims 34-45 are analyzed and rejected as previously discussed with respect to claims 22-33.

Regarding claims **58-69**, these are program recording medium claims corresponding to the apparatus claims 22-33. Therefore claims 58-69 are analyzed and rejected as previously discussed with respect to claims 22-33. Furthermore, the computer disclosed by Seki et al. has a CPU that would store the program.

Regarding claims **70-72**, these are system claims comprising claims 1 and 22-24. Therefore, claims 70-72 are analyzed and rejected as previously discussed with respect to claims 1 and 22-24.

Regarding claim **74**, Seki et al. in view of Foreman et al. in view of Shore et al. in view of Miyazaki et al. discloses all the limitations as previously discussed with respect to claim 1, including that the time period is slightly longer than the time period based on the timeline (Miyazaki et al.: Fig. 17 – any preset time can be allotted, going slightly over the time period is purely a design choice that would ensure getting the full amount of video for the allotted time).

Regarding claim **75**, Seki et al. in view of Foreman et al. in view of Shore et al. in view of Miyazaki et al. discloses all the limitations as previously discussed with respect to claims 1 and 74, including that the time period is

approximately 10 seconds longer than the time period based on the timeline

(Miyazaki et al.: Fig. 17 – any preset time can be allotted, going slightly over the

time period is purely a design choice that would ensure getting the full amount of

video for the allotted time).

  Regarding claim **77**, Seki et al. in view of Foreman et al. in view of Shore

et al. in view of Miyazaki et al. discloses all the limitations as previously

discussed with respect to claim 22, including that the time period is slightly longer

than the time period based on the timeline (Miyazaki et al.: Fig. 17 – any preset

time can be allotted, going slightly over the time period is purely a design choice

that would ensure getting the full amount of video for the allotted time).

  Regarding claim **78**, Seki et al. in view of Foreman et al. in view of Shore

et al. in view of Miyazaki et al. discloses all the limitations as previously

discussed with respect to claims 22 and 77, including that the time period is

approximately 10 seconds longer than the time period based on the timeline

(Miyazaki et al.: Fig. 17 – any preset time can be allotted, going slightly over the

time period is purely a design choice that would ensure getting the full amount of

video for the allotted time).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HEATHER R. JONES whose telephone number is

(571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am -

4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

<div style="margin-left: 50%;">

Heather R Jones
Examiner
Art Unit 2621

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HRJ
November 6, 2009

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621